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Attorneys for Defendants
PROSIGHT SPECIALTY MANAGEMENT
COMPANY, INC., MUTUAL MARINE
OFFICE, INC., PROSIGHT SPECIALTY
INSURANCE GROUP, INC., and
NEW YORK MARINE AND
GENERAL INSURANCE COMPANY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

BILLIE L. REDDING,

Plaintiff,

v.

PROSIGHT SPECIALTY
MANAGEMENT COMPANY, INC.
aka MUTUAL MARINE OFFICE,
INC., PROSIGHT SPECIALTY
INSURANCE GROUP, INC. aka
NYMAGIC, INC., and NEW YORK
MARINE AND GENERAL
INSURANCE COMPANY,

Defendants.

Case No.

**NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C.
§ 1441(b) (DIVERSITY);
DECLARATION OF ROBERT S.
BENNETT**

TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MONTANA:

PLEASE TAKE NOTICE that defendant New York Marine and General Insurance Company and improperly named defendants ProSight Specialty Management Company, Inc., Mutual Marine Office, Inc., and ProSight Specialty Insurance Group, Inc. (collectively, "Defendants") hereby remove this action to this Court based on the following:

1. Plaintiff Billie L. Redding filed a civil action on or about September 12, 2012 in the Montana First Judicial District Court, County of Lewis and Clark, styled as *Billie L. Redding v. ProSight Specialty Management Company, Inc., et al.*, Case No. CDV-2012-740 (the "State Court Action").
2. The State Court Action is properly removed under 28 U.S.C. § 1441 because original federal jurisdiction lies under 28 U.S.C. § 1332 and the procedural requirements for removal are satisfied. Specifically, there is complete diversity of citizenship between plaintiff and all defendants, no defendant is a citizen of Montana, the amount in controversy exceeds \$75,000, exclusive of interest and costs, and this Notice of Removal has been filed within thirty days of September 20, 2012, the alleged date of service of the State Court Action complaint upon Defendants.

The Procedural Requirements For Removal Are Satisfied

3. True and correct copies of the summons and complaint in the State

Court Action are attached hereto as Exhibit A to the Declaration of Robert S.

Bennett submitted herewith (the "Bennett Decl."). *See* 28 U.S.C. § 1446(a).

4. This Notice of Removal is timely under 28 U.S.C. § 1446(b).

Defendants were served with the summons and complaint on September 20, 2012.

(Bennett Decl., Ex. B.)

5. All defendants consent to the removal of the State Court Action.

6. Counsel for Defendants served copies of this Notice of Removal upon counsel for plaintiff. This Notice of Removal will promptly be served on the Clerk of the First Judicial District Court of the State of Montana, County of Lewis and Clark, pursuant to 28 U.S.C. § 1446(d).

Diversity Of Citizenship Exists Between Plaintiff And All Defendants

7. The State Court Action is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332 and may, therefore, be removed pursuant to 28 U.S.C. § 1441(b). Diversity of citizenship existed at the time plaintiff commenced the State Court Action and continues to exist as of the time of removal, as no defendant is a citizen of the State of Montana.

8. Plaintiff alleges that she is a resident of Montana residing in Billings, Montana. (Ex. 4 to Compl. at ¶ 6.) Thus, for diversity purposes, plaintiff is a

citizen of Montana. *See Sun Printing & Publishing Association v. Edwards*, 194 U.S. 377 (1904).

9. Plaintiff alleges that ProSight Specialty Management Company, Inc. is an insurance company with its principal place of business in New York, New York. (Compl. at ¶ 5.) Thus, for diversity purposes, ProSight Specialty Management Company, Inc. is a citizen of New York. *See 28 U.S.C. § 1332(c)(1)*. None of the defendants is incorporated in or has its principal places of business in the State of Montana.

The Amount In Controversy Exceeds \$75,000

10. Plaintiff alleges she has suffered actual damages in the amount of \$2,586,405.99. (Compl. at ¶¶ 30, 38 and page 8.)

11. Plaintiff seeks additional damages, including alleged economic damages, alleged damages for emotional distress and mental anguish, alleged damages for loss of established course of life and all other compensatory damages. (Compl. at page 8.)

12. Plaintiff also seeks exemplary damages. (Compl. at page 9.)

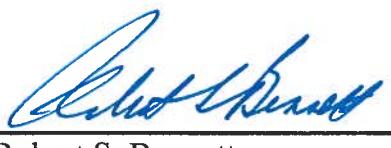
13. Because complete diversity of citizenship exists between plaintiff and Defendants and the jurisdictional amount in controversy is satisfied, the State Court Action may be removed to the Helena Division of the United States District

Court for the District of Montana, the federal court for the district and division embracing Lewis and Clark County. *See* 28. U.S.C. § 1441(a).

14. WHEREFORE, Defendants respectfully request that the Court assume full jurisdiction over this action as if the plaintiff had originally filed her claims in this Court.

DATED: October 16 2012

HOGAN LOVELLS US LLP

BY: 

Robert S. Bennett
Attorneys for Defendants
PROSIGHT SPECIALTY
MANAGEMENT COMPANY, INC.,
MUTUAL MARINE OFFICE, INC.,
PROSIGHT SPECIALTY INSURANCE
GROUP, INC., and NEW YORK MARINE
AND GENERAL INSURANCE
COMPANY

DECLARATION OF ROBERT S. BENNETT

I, ROBERT S. BENNETT, declare as follows:

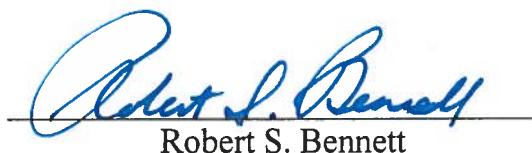
1. I am an attorney admitted to practice before all of the courts of the State of Montana and a partner of the law firm Hogan Lovells US LLP, counsel of record for all of the defendants in this action. The matters set forth below are within my personal knowledge and, if called upon as a witness, I could and would testify competently thereto.

2. Attached as Exhibit A is a true and correct copy of the Summons and Complaint in the matter captioned as *Billie L. Redding v. ProSight Specialty Management Company, Inc., et al.*, Case No. CDV-2012-740, filed in the Montana First Judicial District, County of Lewis and Clark.

3. Attached as Exhibit B is a true and correct copy of the Notice of Service of Process on ProSight Specialty Management Company, Inc. dated September 20, 2012.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed the 19th day of October, 2012 in Washington, DC.



Robert S. Bennett

DECLARATION OF
ROBERT S. BENNETT